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ANSONIA, CONNECTICUT

**PLANNING & ZONING COMMISSION**

January 27, 2014

Regular Meeting

**Present:** Bart Flaherty, Chairman  
Michael Bettini  
Jared Heon  
Jeffrey Lawlor  
William Malerba  
Maureen McCormack-Conrado  
Andrew Mark

**Others Present:** Oswald Inglese, Planning Consultant - Absent  
Fred D'Amico, City Engineer - Absent  
David Blackwell, Zoning Enforcement/Blight Officer  
Peter Kelly, Economic Dev. Director

The Regular Meeting of the Ansonia Planning and Zoning Commission was called to order at 7:36 p.m. by Chairman Flaherty.

The secretary called the roll.

There was a quorum present.

**Approval of Minutes**

Mr. Heon made a motion to accept as written and place on file the minutes of the December 30, 2013 Regular Meeting. Mr. Bettini seconded. All in favor, the motion carried.

PZ012714

## **Approval of Bills**

Mr. Heon made a motion to pay the following invoices if found to be correct. Mr. Lawlor seconded. All in favor, so carried.

1. Oswald Inglese, Planner: Bill for professional Service: \$262.50

## **Correspondence**

Mr. Heon made a motion to accept all of the correspondence received, dispense with the reading, and place them on file. If a member requests one read or acted upon the correspondence will be brought up individually. Mr. Malerba seconded. All in favor, so carried.

## **Decision: Coastal Carriers request for Special Exception/fill**

Chairman Flaherty said the Commission held a public hearing this evening on the Special Exception request from Coastal Carriers. There has been no problem with the site. The neighbor is satisfied and there is no more run off onto their property.

Mr. Heon made a motion to approve the special exception for Coastal Carriers. Mr. Bettini seconded. All in favor, so carried.

## **Decision: Amendment to Zoning Regulation, Section 420.7.3**

Chairman Flaherty said the Commission held a public hearing this evening on the amendment to the Zoning Regulations, Section 420.7.3 Signs. The new section will be Section 420.7.3.3. This was done at the request of Stop & Shop. They want to add a gas price sign. This amendment will apply to any property in the City that meets the regulation.

Mr. Bettini made a motion to adopt the amendment Section 420.7.3.3 Signs to the Zoning Regulation. Effective date: 2/14/14. Mr. Heon seconded. All in favor, so carried.

The new amendment to Section 420.7.3 is as follows:

To be added following Subsection 420.7.3.2

**“420.7.3.3 Exception.** A “Complementary Free-Standing Sign”, with changeable copy, not exceeding thirty-two (32) square feet in total area and designed to call the attention to a use complementary to an existing major land use on the same premises, may be permitted providing that (a) that the premises is seven (7) acres or larger and has three-hundred (300) feet or more of frontage on a public highway; (b) that said sign shall not exceed the height limitations of subsection 420.7.3; (c) that the use to which the sign relates is at a distance of two-hundred (200) feet or more from the front property line of the public highway; and (d) that there shall not be closer than seventy-five (75) feet from another freestanding sign on the same premises; and (e) providing that an application has been approved by the Commission;

**James Branigan Jr./Richard Opotzner re: Site Plan application Auto Repair/Used Car lot at 242 Pershing Dr.**

James Branigan Jr., 400 N. Main St., Ansonia was present.

Mr. Branigan said that the property was used in the past as a garage and detailing center.

Chairman Flaherty asked Mr. Blackwell if he had any questions or concerns.

Mr. Blackwell said his concern is the sight line and the parking spaces out front (parking spaces # 7, # 8, #9) on the lot and the circle pattern for traffic flow. If this is granted he would like to see the parking spaces lined. He said he visited the site.

Mr. Branigan said there will be no box trucks on the site. He said he will not be doing a ton of sales. It will be mainly a repair service and not a lot of used cars for sale.

Mr. Bettini asked if there is curbing around there.

Mr. Branigan said he could angle the parking spaces in the front for three (3) cars.

Mr. Heon said does he have the required number of spaces for each use. He asked if there are separate requirements for each use or is it all considered one.

Mr. Blackwell said he circled the Statute on this.

Mr. Branigan said DMV states he has to have one employee and parking for the employee.

The Commissioners discussed the number of parking spaces on the map and the required spaces and the lay out of the parking on the site.

Mr. Bettini asked about the lighting for the garage and the site.

Mr. Branigan said the lights are all over the building. The parking lot will be lit up in the evening.

Mr. Bettini said if there are lights in the evening will they affect the neighbors.

Chairman Flaherty said the lights will have to be down lit so as not to bother area residents.

Mr. Branigan said there are security lights at night.

Chairman Flaherty said for the lighting and the signs Mr. Branigan will have to see Mr. Blackwell.

Mr. Blackwell said the sign had to be removed at the previous station in that location. There was documentation in the file.

There was discussion on signs on the building and free standing signs on the site and safe lines of sight.

Mr. Blackwell said he had to remove the signs in the front of the building. There is a stipulation that the sign could only be three (3) feet tall.

Ms. McCormack-Conrado said will this be a situation where he could ask for a variance.

Chairman Flaherty explained what a variance is – relief from the Zoning Regulations for hardship caused by the land and not for personal or monetary hardship. He said it is difficult to override public health and safety. Probably the sight line was a safety issue. Mr. Blackwell brought up a good point regarding the signage.

Mr. Branigan said he is OK with the signs. He is not looking to do this soon.

Chairman Flaherty said we usually refer the application to Staff but it is up to the Commission.

Mr. Heon said it's a corner lot and it was a business, he said he doesn't think it will have a traffic line but the parking spaces are important. He is doing repair work but there are other lots that are stacked end to end with cars. If approved we would have to specify the parking spots be numbered and arrows for in and out in the lot. It would be easier to put in lined parking spaces.

Chairman Flaherty asked the number of used cars he plans to have on the lot.

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Mr. Branigan said it may be about a year before he has used cars.

Chairman Flaherty said we don't want eleven (11) spaces and eleven (11) used cars there blocking the driveway. That has to be kept clear. There shall be no backing out onto Bridge Street from the parking lot.

Mr. Branigan said he will not have a lot of used cars. He said he agrees with the backing out onto Pershing Drive and the Bridge. All cars exiting his lot will have to pull out.

Mr. Bettini said not more than two (2) cars at any one time and the prior stipulation before still exists.

Mr. Malerba said the used car lot across the street from Dunkin Donuts has a lot of cars on the lot where you cannot get in and out of there.

Chairman Flaherty asked Mr. Blackwell to take a look at it.

Mr. Malerba said the cars are way out of range on that lot across from Dunkin Donuts.

Mr. Heon said he has to insure places to park for auto repair and used cars.

A discussion continued on box trucks, concern about the sight line and the number of used cars for sale on the lot.

Mr. Heon said he is comfortable with six (6) cars at maximum.

Mr. Branigan said the State says five (5) cars for sale and five (5) cars for parking.

Chairman Flaherty said you are asking for five (5) cars for used car sales on the lot.

Mr. Branigan said yes, five (5) cars for sale.

Chairman Flaherty said there will be no box trucks in parking spaces #7, #8, #9 and #1 and #2.

Mr. Heon said you have to be able to get in and out of the site. It has to be open enough for traffic flow.

The following conditions were discussed:

1. All lighting will be down lights
2. No box cars or trucks parked in spaces 1, 2, 7, 8, 9 along Pershing Drive and Bridge St.
3. Signs and vehicles don't block the sight line and they shall be approved by the Zoning Enforcement Officer.

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4. The lot shall be lined for the parking spaces and arrows for in and out when the weather permits this work to be done.
5. There will be a limit of five (5) used cars for sale at any one time.
6. In and out arrows will be painted in the lot. Pershing Drive will be in and out. Bridge Street will be an exit with a right hand turn only.

Mr. Malerba asked what the valves are that are shown on the map.

Mr. Branigan said oil/water separators required by the State of CT.

Chairman Flaherty asked if there were any other concerns or questions. The signs must be approved by Dave Blackwell, ZEO.

Mr. Branigan said he understands the intersection where his property is located and that there is difficulty entering the flow of traffic and crossing lanes.

The commissioners discussed the flow traffic in the intersection. The exit out of the parking lot onto the Bridge and that this exit should be a right turn only because of traffic. There are two lanes of traffic driving over the Bridge toward Main St. and another two lanes of traffic going the opposite direction.

Mr. Blackwell said the exit onto the Bridge should be a right turn only.

Mr. Malerba said the Bridge and the entrance onto Pershing Drive are tough areas of traffic.

There was discussion on the traffic turning into the Parking Lot traveling toward the Bridge on Pershing Drive. These vehicles would have to cross through two lanes of traffic either way – traveling toward the Bridge from Pershing Drive (past the Pizza Restaurant) or traveling from Olson Drive or crossing the Bridge and turning onto Pershing Drive. The discussion continued on one way exit and one way entrance onto the lot and the pedestrian traffic in the area.

The commissioners agreed there is no problem with an exit and entrance on Pershing Drive and a one way exit onto the Bridge. They agreed the customers would have to decide how they wished to enter and exit the property.

Mr. Bettini made a motion to approve with conditions the request for site plan approval for 242 Pershing Drive for a used car lot and repair of vehicles. Mr. Heon seconded. All in favor, so carried.

Conditions of approval:

1. All lighting will be down lights.
2. Signs to be approved by the Zoning Enforcement Officer with the sight line a priority.

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3. The parking spaces will be lined.
4. No box trucks in spaces 1, 2, 7, 8, and 9.
5. There will be a limit of five (5) used cars for sale at any one time.
6. The lines and parking spaces to be lined as shown on the map that has been submitted for approval.

Mr. Branigan asked where he goes from here.

Chairman Flaherty explained the process to Mr. Branigan stating that he had to appear before the Zoning Board of Appeals for approval of his license.

**Milone & MacBroom re: Informal Discussion Castle Lane Estates, 26 Gardners Ln**

Mr. John Milone and Mr. Mark Romano were present.

Mr. Heon said will this discussion show any prejudice toward a formal application.

Chairman Flaherty said this is not an application, it is not a formal application and there is no clock running.

Mr. Milone said yes, I understand that this is not a formal application.

Chairman Flaherty said any discussion is non-binding discussion. There is no binding or bearing on any application that may come before the commission.

Mr. Milone said yes, I understand.

Mr. Milone said this property is 13 acres and is steep and the previous application was denied. There was a cul de sac with a subdivision of 23 lots. This application did not take the slope regulations into account. He said they are exploring alternative plans. This parcel is located in a Residential A zone and the lot size requirement is 12,500 square feet. He said there are a few options for development. One is a through road to Granite Terrace providing frontage to 15 lots and it would conform. A lesser use of the property would be an 850 foot road with 10 lots and 5 to 6 acres of open space. He said he understands this discussion is non-binding but they will require a waiver on the length of the road and the cul de sac. He said he would like the commission's feeling on that before they begin detail designs.

Chairman Flaherty said you are aware of our slope regulations.

Mr. Milone said this parcel has to be laid out. He hasn't done that yet but we understand your regulation for slopes and we would conform.

Mr. Malerba asked how steep the slopes would be.

Mr. Milone said the regulations exclude slopes greater than 25%.

Mr. Bettini said his concerns are with the slopes and how they would stabilize them. If there is a six foot drop how would you keep the children safe?

Mr. Milone said the house would be situated with the slope. You would have to look at each lot separately for slopes.

Mr. Bettini asked about the sidewalks.

Mr. Milone said if they are required we would put them in.

Mr. Bettini said the last application the construction time was 18 months. He asked the length of time for the cul de sac to be in place and for all of the construction equipment on the site.

Mr. Milone said they can have a phasing plan where they would not have the whole site exposed.

Mr. Bettini asked about the run off from the construction. The Park is below this site and there will be substantial run off and the site must be stabilized during construction.

Mr. Milone said he hasn't done any of that planning yet. He has to get into the design of the site.

Mr. Bettini asked the size of the cul de sac.

Mr. Milone said what the regulations require – he hasn't designed it yet.

Mr. Bettini asked where the snow shelf would be located.

Mr. Heon said his current concerns are the blasting on the site because there are wells, are they bringing in public utilities because this is a specific response area for the Fire Dept. and the Elaine Drive is the closest hydrant for water. He asked if there is a plan for public utilities.

Mr. Milone said they will not extend the public water to the subdivision.

Mr. Heon asked if they were planning an underground water storage tank. The water supply has a red flag.

Mr. Milone said if the commission prefers a storage tank they can consider a 30,000 gallon tank.

Mr. Heon said that would be up to our Fire Marshall. He said he will not comment on that but it is one concern.

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Mr. Heon said another concern is the width of the road. It is a very difficult area and we may want the cul de sac to be larger than the typical cul de sac – make a good cul de sac for the road.

Chairman Flaherty said is this a standard size road with a cul de sac and snow shelf.

Mr. Milone said yes, it is a standard road.

Chairman Flaherty asked if they plan to put in the snow shelf – where would they put the snow when plowing. He asked if they designed anything for this.

Mr. Milone said they will put in sidewalks.

Chairman Flaherty said the end of the cul de sac would be a place to put the snow and it is reasonable.

Mr. Milone said there is the cost and he would have to run the numbers, he doesn't know the numbers. There are low numbers with the 10 lots. They want to avoid extension of the water because of the cost.

Chairman Flaherty asked how wide the back yards would be for these homes especially those on the right side of the road.

Mr. Milone said he would grade out for a reasonable yard.

Chairman Flaherty asked what reasonable was – 30 feet?

Mr. Milone said he doesn't know yet. He said there is removal of fill and he would like to avoid a steep slope and he doesn't want to destroy the back yard, he would have to grade them out.

Chairman Flaherty said you grade out where you think the yard should be. The concern is for a steep slope – walls may have to be constructed and fences installed. The fire issue is a concern, he suggested they contact the Fire Marshall.

Mr. Milone said the 10 lot subdivision is a win/win if the commission likes it. It has open space and less lots.

Chairman Flaherty said there is a Homeowner's Association that has to be set up for the Open Space land.

Mr. Milone said this is a tough place to put in the through road, the 15 lot subdivision is not their preference. He said they have to work through it. He said the open space is valuable.

Chairman Flaherty said we don't want to force you to design one way or the other way – it is your decision on what is best for you. You asked our concerns and we expressed them. There is a large cut and fill that has to take place on the site.

Mr. Milone said we will try to get the road as close as possible. He said he hasn't walked the site yet but he has worked with steep slopes in the past.

Chairman Flaherty asked the driveway slope.

Mr. Milone said the driveway would be 10% to 12% slope.

Mr. Malerba said there is ledge under there.

Mr. Romano said he did 10 test pits and there is no ledge.

Ms. McCormack said there are driveways for the houses will they prohibit parking on the street.

Mr. Milone said there will be two parking spaces for each lot.

Ms. McCormack said will the City say you can't park on the street.

Mr. Milone said the road will be built to the City standards. He said they will come in with the 10 lot subdivision which requires a waiver of the street length. He will contact the Fire Marshall also. This plan is less development on the property. There is 600 feet for the existing road and with the cul de sac it is 1400 feet total for the new road. He said the regulation is tight but you can waive it.

Mr. Heon said his concern is the blasting.

Mr. Bettini asked if they will do a pre-blast survey of the adjoining properties.

Mr. Milone said he can work through the details and expand on Mr. Romano's original tests. He would have to see the cuts.

Mr. Malerba asked the length of the houses.

Mr. Bettini asked where the run off will go if they pave the impervious surfaces.

Mr. Milone said he doesn't have those answers, he will have to see what is going on with the site.

Chairman Flaherty said that they will have to go to Inland Wetlands Commission with the new plans. He said there is less development but it has to be your decision to solve the concerns – I don't know. He said there are some residents from the area here this

evening. He asked Mr. Milone and the owner if they would mind a few questions from some neighbors in the audience. They stated they did not mind the questions.

Ed Musante  
Old Ansonia Road  
Seymour, CT

Mr. Musante asked if they were building walls on Castle Lane – Seymour side because the road can't handle any more traffic. They said they would build a wall along the road going into Castle Lane where the mailboxes are. He said there were 200 people that signed a petition.

Charles Stowe  
23 Granite Terrace  
Ansonia, CT 06401

Mr. Stowe said he has been in the excavating business for years. He said they own the land and can do what they can as long as it meets the regulations. He said you measure twice and cut once. In Seymour where Old Ansonia Road meets Castle Lane there is a problem, Ed's right.

Mr. Stowe said you mentioned a 15 lot subdivision egress to Granite Terrace. DeCarlo & Doll's original work showed all slope rights no longer belong to the Developer. He said he has the Mylar that shows it belongs to him. He said he doesn't want to see a road go through there. P&Z touched on the slopes, there is the pond below and the channel goes through there and is being flooded. He said he had to follow the rules when he built. The blasting with regard to the people's wells has to be carefully done.

Mr. Stowe said they can possibly do this with an open mind and progress through from Seymour into it and you will not do harm to the neighbors. On Granite Terrace you don't own the right of way and you have to get this straight.

Chairman Flaherty said the commission has no right to make off-site improvements per State Statute.

Mr. Stowe said the neighbors were on it before and they can make it so P&Z approves.

Mr. Romano said to Mr. Stowe, I thought you would like this plan better. You said the traffic flies through there now and with a through road it would be a short cut to Ansonia.

Mr. Stowe said are you going to address these issues. There are wells that have dried up and have had to drill new wells. He said do the right thing for everybody.

Mr. Musante said the land should go to the City and they should make a park.

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Chairman Flaherty said this is your property and you develop it as you see it meets our Regulations. You cut down on development. We talked about the concerns. Off-site improvements is something you can consider but P&Z cannot consider. We tried to give you some concerns and not prejudice the application but this is not final, you have to make a business decision – consider the slopes, walls, sidewalks, maybe a gazebo, a swing set and basketball hoop in the open space.

Mr. Romano said this plan was done with a buffer with Mr. Stowe in mind. I don't think he wants a playground.

Chairman Flaherty said not a playground but one swing and a sitting place for the Mom that brings her children there.

Mr. Heon said it could double as a snow pushing area – where it is flat put in a swing.

Chairman Flaherty said a few amenities in the open space and have it owned by the Homeowner's Association. OK.

Mr. Milone said Thank you.

Chairman Flaherty said thank you to Mr. Romano, his attorney (who is present) and Mr. Milone. He said this is not any kind of application. He asked if any commissioners had any other questions or concerns. There were none.

#### **Reports: City Engineer**

Mr. Fred D'Amico was not present.

Chairman Flaherty said Mr. D'Amico could not be present this evening. He is working on the sidewalk on Jewett Street and 40 Hotchkiss Terrace.

Chairman Flaherty explained to the new members the problem with 40 Hotchkiss Terrace and the run off and erosion onto the street. He said a letter was sent to VCOG. Hopefully the Mayors can do something.

#### **Reports: Zoning Enforcement Officer**

Mr. David Blackwell was present.

##### **a. Violations:**

Mr. Blackwell said there are no new violations.

## Shell Station

Mr. Bettini said the sidewalk in front of the building/store is blocked by stacks of wood, windshield cleaner, etc. and we had discussed this in past and this product is still there.

Chairman Flaherty explained the area that Mr. Bettini's is referring to at the Shell Station. He said the commissions concern is when a Mom with kids gets out of the car to go into the store there is no sidewalk for her walk safely. She would be walking where the traffic flow is to get to the store and back to her car.

Mr. Bettini said this has to be enforced.

Mr. Heon said we talked about it with other restaurants and gas stations like Cumberland Farms and we need to enforce it.

Mr. Bettini asked if the Zoning Enforcement Officer can enforce this at the Shell Station.

Mr. Blackwell said the owner said he is close to the road and why can't he have the opening.

Chairman Flaherty said there were people trying to get in and out of the station and the traffic was backed up to Healy Ford on Main St. He explained the traffic pattern on Main Street where the Shell Station is located.

Mr. Blackwell said did he know that was going on.

Mr. Heon said he had to do it because the gas tanks in the ground had to be replaced and upgraded. It was also a condition of approval for the site plan.

Chairman Flaherty explained the conditions of approval to the new members.

Mr. Bettini said the applicant was here and he agreed to the conditions and to close the driveway.

Mr. Blackwell said I do business there and it is close for my trucks.

Chairman Flaherty said the commission gave him a lot of latitude.

Mr. Heon said that is not really a parking spot but we gave it to him so he would meet the requirement.

Chairman Flaherty said the State concurred with the curb cut closure as Main Street is a State Highway.

Mr. Blackwell said he made it sound like it was done after he re-did the gas station.

Mr. Heon said it was in the site plan approval.

Mr. Bettini said it was all up front.

### 66 Benz Street

Mr. Blackwell explained there is a temporary garage located at 66 Benz Street and he received complaints on it.

The commission discussed this temporary “garage” at 66 Benz Street that is located near the road. This structure is made from a stockade fence with a tarp over the top.

Mr. Blackwell said he will issue a cease and desist order to the owner. He said the Public Works Dept. brought it to his attention because a snow plow removed a section of the berm when plowing snow.

### b. Variances

Mr. Blackwell said he has the following variance.

1. Lucy Araujo, 95-97 Tremont Street request to vary the setback for an accessory building for a garage.

Mr. Blackwell said they built the garage and then had an A-2 survey done and it showed they were short a few feet. The garage was built 4’ where 6’ was needed. A wall appears to have been built on the Araujo property.

Ms. McCormack-Conrado said if you leave it long enough it becomes part of your property.

Mr. Heon made a motion that P&Z had no comment on this variance. Mr. Bettini seconded. All in favor, so carried.

### **Reports: Planning Consultant**

Mr. Oswald Inglese was not present.

Chairman Flaherty said he spoke with Mr. Inglese earlier and with the prediction of snow he excused him from the meeting this evening.

### **Any other business to come before the Commission**

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### Moratorium on Medical Marijuana

Chairman Flaherty said the commission has a moratorium on growing and dispensing medical marijuana and we should have Mr. Inglese begin some regulations for the City of Ansonia with regard to where we would allow it to be grown, where we would allow it to be dispensed in the City of Ansonia, etc.

Mr. Malerba asked if there is an application.

Chairman Flaherty said no. The State of Connecticut passed some regulations the next day after we had our meeting placing the moratorium. We should begin work on regulations for our City.

Mr. Heon said it should not just be Mr. Inglese but a committee made up of the Police Dept., Economic Development, P&Z, Aldermen and ARMS they should all be involved.

There was discussion on the above.

Chairman Flaherty said OK but it is Planning & Zoning Commission's responsibility to come up with a regulation for the City of Ansonia. We uphold the regulations. He asked for volunteers to serve on the Committee.

Mr. Heon said he will serve on the Marijuana Committee and will let the other City Officials know.

Chairman Flaherty said we could set up a committee here at P&Z and let Mr. Kelly be the liaison.

Mr. Heon said he will see the Dept. Heads at the Wednesday Mayor's meeting.

Chairman Flaherty said he is not a doctor and not a medical person and not for or against medical marijuana but Zoning has to have some control – do we want it near a school? What zone should it be located in? Things like that have to be through P&Z.

Mr. Bettini suggested we have Mr. Inglese get the State Legislation on governing Medical Marijuana.

Ms. McCormack-Conrado said she will serve on the committee.

Mr. Bettini made a motion for a committee of Jared Heon and Maureen McCormack-Conrado for regulation of medical marijuana along with Peter Kelly. Mr. Lawlor seconded. All in favor, so carried.

**Executive Session**

None

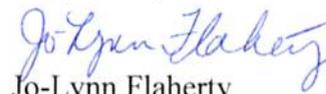
**February 2014 Meeting**

Regular Meeting: Monday, February 24, 2014 at 7:30 p.m.

**Adjourn**

Mr. Bettini made a motion to adjourn the meeting at 9:35 p.m. Mr. Heon seconded. All in favor, so carried.

Respectfully submitted,



Jo-Lynn Flaherty  
Secretary